

Town of Frederick Board of Trustees



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AM 2010-069

Memorandum of Understanding with the St Vrain Valley School District Regarding the Bell


Agenda Date: Town Board Meeting - June 27, 2010

Attachments:

- a. SVVSD MOU v.2
- b. Frederick MOU v.3

Fiscal Note:

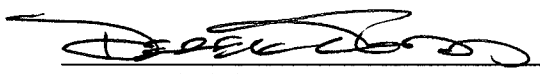
None noted


Administrative Services Director

Submitted by:


Town Attorney

Approved for Presentation:


Town Administrator

AV Use Anticipated

Projector _____ Laptop _____

Certification of Board Approval:

Town Clerk

Date

Summary Statement:

The Frederick bell has been incorporated into the design of the new high school. The MOU outlines responsibilities regarding the bell. The MOU was sent to the District in October of 2009 and resent in April 2010. We received a response with changes on Tuesday June 1, 2010. The changes are suggestions by District and not the School Board.

Detail of Issue/Request:

At the direction of the Board, Town staff met with District staff and proposed that the old Frederick School bell be incorporated into the design of the new high school. The key points were that the Town retain ownership of the bell, the Town Board would have the right to determine if the location of the bell would be appropriate, and the District would be responsible for insuring and maintaining the bell. These points were memorialized in the MOU v.1 sent to the District.

District staff has suggested several changes in the attached MOU v.2. The original paragraph 2 may be moot, as the building has already been designed, but the District's additions call for the Town to affirmatively secure the clapper, which may unnecessarily affect the historic value of the bell; this issue has been addressed in the MOU v. 3, also attached. District edits to paragraph 3 are problematic as well as the District is the most appropriate party to insure and maintain the bell once affixed to District property. In addition, the Town should not be held to a requirement to also install the bell, as opposed to District personnel/engineers, who are intimately involved in planning and engineering connection and structural elements. Finally, the District wants to require the Town to remove and bell at any cost in the event the bell must be moved from the site. The open-ended nature of that proposition can be curtailed by holding the Town only to a "reasonable cost" for removal and relocation. Under the nature of the arrangement as contemplated (collaborative and mutual) it seems both parties should be willing to bear some of the costs necessary to protect the community's interest in the bell.

Legal/Political Considerations:

The Town owns the bell and since the District has custody of it, the District should insure and maintain it. Though the Town should be involved in securing the bell and be willing to reclaim it should the high school site be abandoned, the District should be expected to contribute some portion of the display and maintenance costs. A more equitable distribution of responsibilities is found in the attached MOU v.3.

Alternatives/Options:

The Town may choose not to allow the District use or display the bell, concede to the strong conditions in the District's counter-offer, or the Board may direct staff to further negotiate different terms for the "shared" ownership/display of the historic bell.

Financial Considerations:

"Not Applicable".

Staff Recommendation:

Staff recommends that the Board direct staff to reply to the District's counter-offer with the attached MOU v. 3 proposal, and return to the Board for additional consideration if the District wishes to further adjust the terms of the arrangement.